



Staff Report

File #: 22-457

Version: 1

Date: 10/10/2022

Item #: 3.3 a.

TO: Mayor and City Council

THROUGH: Keith Stahley, City Manager

FROM: Peter Fernandez, PE, Public Works Director

SUBJECT:

Petition-initiated vacation of Cross Street SE west of 20th Street SE.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): Southeast Salem Neighborhood Association

Result Area(s): Safe, Reliable, and Efficient Infrastructure

SUMMARY:

The City of Salem received a petition from DEW Investments, LLC, to vacate an under-improved, 137-foot-long section of Cross Street SE west of 20th Street SE as shown in Attachments 1 and 2. Council may accept the petition and schedule a public hearing to consider the vacation, or Council may reject the petition if it determines the vacation is not in the best interest of the City.

ISSUE:

Shall the City Council accept a petition to vacate Cross Street SE at 20th Street SE and direct the City Manager to set a public hearing to consider the request?

RECOMMENDATION:

Accept the petition to vacate Cross Street SE at 20th Street SE and direct the City Manager to set a public hearing to consider the request.

FACTS AND FINDINGS:

Property owners may file a petition to vacate all or part of a right-of-way pursuant to *Oregon Revised Statute* (ORS) 271.080 and 271.090, and *Salem Revised Code* (SRC) 255.065. The Petitioner originally submitted a petition for this vacation on July 2, 2022 (on file in Public Works Department).

Public Works staff reviewed the petition and have determined it contains all the submittal requirements and property owner consents as required by SRC 255.065(b)(2)-(3) and ORS 271.080-271.230. Notice of the proposed vacation was sent to all potentially affected public utilities.

There are four known issues related to this vacation that will require resolution or consideration through the public hearing process:

1. The area proposed to be vacated contains a 15-inch sanitary sewer line. It is anticipated that this vacation will require an easement to accommodate this facility.
2. Portland General Electric has indicated that they may have a facility that will either require a relocation or an easement.
3. The area proposed to be vacated is located within the FEMA regulatory floodway. This restricts potential development of the area, including construction of fencing.
4. The proposed vacation may conflict with *Salem Transportation System Plan* policies to promote connectivity and circulation. The vacation would rule out any future connection to Cross Street SE to the west.

At this first stage in the City Council review process, Council may accept the petition and schedule a public hearing to consider the vacation, or Council may reject the petition if it determines the vacation is not in the best interest of the City. If Council rejects the petition, the petitioner will be given notice that the Council will take final action on their application at a future meeting. If Council accepts the petition, a public hearing on the proposed vacation will be scheduled. At the public hearing, Council will review the petition against the approval criteria contained in SRC 255.065(b)(6) and ORS 271.080-271.230. After the public hearing, Council can either enact an ordinance granting the vacation in whole or in part or adopt a resolution rejecting the proposed vacation. In addition, Council may impose such conditions or make such reservations as it deems in the public interest.

Staff recommends Council accept the petition to vacate Cross Street SE west of 20th Street SE and direct the City Manager to set a public hearing date to consider this petition-initiated vacation.

BACKGROUND:

The petitioner seeks to vacate an under-improved, 137-foot-long section of Cross Street SE west of 20th Street SE to allow for the neighboring Hyundai Dealership to use the right-of-way for secured parking and storage of vehicles. The petitioner owns the surrounding property and seeks to eliminate multiple gates, crossings, and cross fencing along its current property boundaries.

Robert D. Chandler, PhD, PE
Assistant Public Works Director

Attachments:

1. Vicinity Map
2. Legal Description and Map

